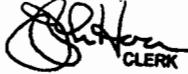


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

FILED  
FEB 22 2016  
  
CLERK

\*\*\*\*\*  
\* STEPHEN M. GOWAN, \* CIV 14-5025  
\* Plaintiff, \*  
\* vs. \* ORDER  
\* MID CENTURY INSURANCE \*  
\* COMPANY, a division of \*  
\* Farmers Insurance Group, \*  
\* Defendant. \*  
\* \*\*\*\*\*

Plaintiff filed a Motion for Leave to File Second Amended Complaint, Doc. 88, which Motion has been resisted by the defense. The Plaintiff has shown good cause to modify the schedule to allow the filing of a Second Amended Complaint.

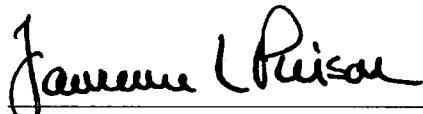
In ruling upon that Motion, the Court is not ruling one way or the other on the point raised in footnote 2 of the Defendant's Resistance, Doc. 100. In that footnote, the defense pointed out that if Farmers Insurance Exchange "is added as a defendant, then diversity jurisdiction may be destroyed, thus requiring a dismissal." That issue has not been developed. On that point, *Mid-Century Ins. Co. v. Johnson*, 2013 WL 3013620, at \*3 (D. Kan. June 14, 2013) was cited. Plaintiff should now respond on that issue since a Second Amended Complaint is being allowed to proceed.

IT IS ORDERED:

1. That Plaintiff's Motion for Leave to File Second Amended Complaint, Doc. 88, is granted, and Plaintiff may file his Second Amended Complaint as proposed.
2. That Plaintiff should now respond to the issue raised by Defendant Mid Century Insurance Company regarding diversity jurisdiction.

Dated this 22nd day of February, 2016.

BY THE COURT:

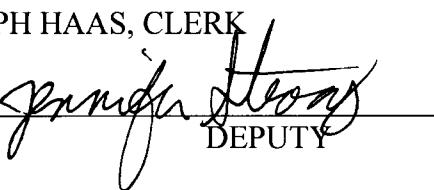


Lawrence L. Piersol  
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY:

  
\_\_\_\_\_  
Jennifer Steagall  
DEPUTY